

UNITED STATE DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ANITA AUCHARD, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	No. 3:09-CV-54
)	(VARLAN/GUYTON)
V.)	
)	
TENNESSEE VALLEY AUTHORITY,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

This case is before the Court pursuant to 28 U.S.C. § 636, the Rules of this Court, and by the referral of the Honorable Thomas A. Varlan, United States District Judge, for report and recommendation as to the Motion to Dismiss, Without Prejudice, Medical Claims of 53 Plaintiffs [Doc. 283], filed by the Tennessee Valley Authority (“TVA”).

In its motion, TVA moves the Court to dismiss, without prejudice, the medical claims of fifty-three plaintiffs as a discovery sanction for these plaintiffs’ failure to provide TVA with medical records and medical releases. [Doc. 283 at 1]. The Plaintiffs initially responded in opposition to this motion, [Doc. 306], but thereafter, the Plaintiffs moved to amend their complaint to remove all counts relating to medical claims, [Doc. 368]. The Court granted this request, and on May 27, 2011, the Plaintiffs filed their Third Amended Complaint [Doc. 437], which does not include medical claims.

The Plaintiffs have abandoned their medical claims in this litigation, and therefore, the Court finds that TVA's request that these claims be dismissed as a sanction is now moot. Accordingly, the undersigned **RECOMMENDS**¹ that the Motion to Dismiss, Without Prejudice, Medical Claims of 53 Plaintiffs [**Doc. 283**] be **DENIED AS MOOT**.

Respectfully Submitted,

s/ H. Bruce Guyton
United States Magistrate Judge

¹Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Fed. R. Civ. P. 72(b)(2). Such objections must conform to the requirements of Rule 72(b), Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985). The district court need not provide de novo review where objections to this report and recommendation are frivolous, conclusive or general. Mira v. Marshall, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. Smith v. Detroit Federation of Teachers, 829 F.2d 1370 (6th Cir. 1987).